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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,516	03/24/2004	Toyohiko Youan	040148	3396

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EXAMINER

COY, NICOLE A

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,516	Applicant(s) YOUAN, TOYOHICO	
	Examiner Nicole Coy	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant first argues that the swivel joint 48 is clearly positioned outside of the reamer body, and it is not accumulated in the reamer main body. However, Nowak mistakenly uses 48 to refer to two items: a swivel and pulverized debris. See column 7 lines 40-67. It is clear to one having ordinary skill in the art that the 48 in figure two which is accumulated in the reamer is the swivel and the 48 which is round particles outside the reamer is the pulverized debris. Thus, Nowak does disclose a swivel accumulated in the reamer.
2. The applicant next argues that Nowak does not disclose a partitioning plate. The examiner respectfully points out that a partitioning member is claimed, not a partitioning plate. Regardless, the examiner agrees that Nowak does not disclose a partitioning member, and thus the rejection of claim 5 over Nowak has been withdrawn.
3. The applicant further argues that the outstanding action mischaracterizes the swivel joint of Elorriaga, Jr., which is used for connecting open ended male and female pipe section for conveying high pressure fluids, such as encountered in the petroleum industry. The argument further argues that the swivel joint of Elorriaga, Jr. does not have any relation to the floating seal of claim 2 or the cover of claims 3 or 4. The examiner agrees with the applicant's statements, and thus the rejection of claims 2-4 over Nowak in view of Elorriaga has been withdrawn.
4. This action presents a new rejection of claim 3 over Nowak in view of ^{Jenne}~~Rexendael~~
~~et al.~~ Hence, this rejection is non-final.

AB

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nowak (USP 5,580,188).

With regard to claim 1, Nowak discloses a substantially hollow (60) conical reamer main body (45) which diameter reduces towards a drawing side; a rod connecting portion (see figure 2) provided at a narrow diameter end portion of the reamer main body and connected with a rod (40); and a coupling structure provided on an opposite side of the rod connecting portion, wherein the coupling structure has a swivel joint that allows rotation of the reamer main body with respect to the buried pipe (48), and a main portion of the swivel joint is substantially accumulated in the reamer main body.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nowak in view of Jenne (USP 6,098,708).

With respect to claim 3, Nowak teaches a substantially hollow conical reamer main body which diameter reduces towards a drawing side (see figure 2); a rod connecting portion provided at a narrow diameter end portion of the reamer main body for connecting with a rod (see figure 2); a coupling structure provided on an opposite side of the rod connecting portion (48). However, Nowak does not teach a cover for preventing intrusion of sediments is attached to the reamer main body to encompass an outer peripheral side of the coupling structure by the cover for preventing intrusion of sediments while a clearance is formed between an end portion of the cover for preventing intrusion of sediments on a side that is opposite to the reamer main body side and a buried pipe. Jenne discloses a cover attached to the reamer main body (see figure 1 numeral 18) with a clearance (see figure 1) so that the pipe to be drawn does not move out of the shaft and become jammed in the earth bore. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Nowak by including a cover as taught by Jenne in order to draw a pipe which does not become jammed in the earth bore.

With respect to claim 4, the cover of Nowak in view of Jenne is capable of preventing intrusion of sediments.

Allowable Subject Matter

Art Unit: 3672

9. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 5 is allowed.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is 571-272-5405. The examiner can normally be reached on M-F 8:00-5:30, 1st F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nac


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